

**IN THE UNITED STATES PATENT OFFICE**

In Re Patent Application of

First Named Inventor: David Kammer

Application No.: 10/083,312

Filed: 2/25/2002

For: BYPASSING BLUETOOTH DISCOVERY FOR  
DEVICES IN A SPECIAL LIST

Examiner: Tran, Tuan A.

Art Unit: 2618

Confirmation No.: 5496

Mail Stop Board of Appeal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

Dear Sir/Madam:

This Appeal Brief is filed in response to the Final Office Action mailed on January 20, 2011.

## **TABLE OF CONTENTS**

<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
I. Real Party in Interest .....	3
II. Related Appeals and Interferences .....	3
III. Status of the Claims .....	3
IV. Status of the Amendments .....	3
V. Summary of the Claimed Subject Matter .....	3
VI. Grounds of Rejection to be Reviewed on Appeal .....	5
VII. Argument .....	5
VIII. Conclusion .....	11
IX. Claims Appendix.....	12
X. Evidence Appendix .....	16
XI. Related Proceedings Appendix .....	16

**I. Real Party in Interest**

The real party in interest is Hewlett-Packard Development Company, L.P. of Houston, Texas, the assignee of record.

**II. Related Appeals and Interferences**

There are no prior or pending appeals, interferences or judicial proceedings that are related to, directly affect, or have bearing on the Board's decision in the present appeal.

**III. Status of the Claims**

Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 13-15 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,697,638 ("Larsson").

Claims 4-5, 16-17 and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsson in view of Int'l Publication No. WO 02/09362 ("Phillips").

Claims 6, 18 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsson in view of U.S. Patent Publication No. 2002/0044549 ("Johansson").

**IV. Status of the Amendments**

All claim amendments previously proposed by Applicant have been entered. The claims listed in the Claims Appendix below reflect the claims as currently pending.

**V. Summary of the Claimed Subject Matter**

An explanation of the subject matter in each of the independent claims is provided. The cited paragraphs and figures provide an exemplary explanation of the claims; the claims are not limited to the particular references made to the application.

Summary of Independent Claim 1

Claim 1 relates to a method of establishing a Bluetooth wireless connection between hand-held computers (pg. 5, lines 2-6) comprising storing a Bluetooth device identification of a first hand-held computer system on a memory resident list of a second hand-held computer

system (pg. 19, lines 20-23; Fig. 7A, item 710). In response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, said device identification of said first hand-held computer system is accessed on said second hand-held computer system (pg. 19, lines 1-3; Fig. 7A, item 720).

The method also comprises establishing a Bluetooth connection between said first and second hand-held computer systems (pg. 19, lines 16-18) by sending a Bluetooth page message from said second hand-held computer system to said first handheld computer system without need of a Bluetooth inquiry message (pg. 20, lines 18-19; Fig. 7A, item 750; pg. 16, lines 7-10; pg. 18, lines 10-14), wherein establishing the Bluetooth connection bypasses standard Bluetooth discovery processes (pg. 5, lines 8-9; pg. 20, lines 2-5).

#### Summary of Independent Claim 13

Claim 13 relates to a hand-held computer system (pg. 11, lines 1-3; Fig. 2, item 100) comprising a bus (pg. 11, line 3; Fig. 2, item 110), a Bluetooth radio coupled to said bus (pg. 12, lines 15-24; Fig. 2, item 108), a processor coupled to said bus (pg. 11, lines 4-9; Fig. 2, item 101), and a memory coupled to said bus (pg. 11, lines 6-14; Fig. 2, items 102, 103). The memory comprises instructions that when executed, implement a method of establishing a Bluetooth wireless connection between hand-held computers (pg. 11, lines 1-14). The method comprises storing a Bluetooth device identification of a first hand held computer system on a memory resident list of a second hand-held computer system (pg. 19, lines 20-23; Fig. 7A, item 710).

The method also comprises in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system (pg. 19, lines 1-3; Fig. 7A, item 720). A Bluetooth connection between said first and second hand-held computer systems is established (pg. 19, lines 16-18) by sending a Bluetooth page message from said second hand-held computer system to said first hand-held computer system without need of a Bluetooth inquiry message (pg. 20, lines 18-19; Fig. 7A, item 750; pg. 16, lines 7-10; pg. 18, lines 10-14), wherein establishing the Bluetooth connection bypasses standard Bluetooth discovery processes (pg. 5, lines 8-9; pg. 20, lines 2-5).

### Summary of Independent Claim 19

Claim 19 relates to a method of establishing a Bluetooth wireless connection between hand-held computers (pg. 5, lines 2-6) comprising storing a plurality of Bluetooth device identifications corresponding to a plurality of hand-held computer systems on a memory resident list of a specific hand-held computer system (pg. 19, lines 20-23; Fig. 7A, item 710). In response to a request from said first hand-held computer system to establish communications among said plurality of hand-held computer systems, said plurality of Bluetooth device identifications is accessed on said specific hand-held computer system (pg. 19, lines 1-3; Fig. 7A, item 720).

The method also comprises establishing a Bluetooth connection among said plurality of hand-held computer systems (pg. 19, lines 16-18) by sending a page message from said specific hand-held computer system to said plurality of hand-held computer systems without need of a Bluetooth inquiry message (pg. 20, lines 18-19; Fig. 7A, item 750; pg. 16, lines 7-10; pg. 18, lines 10-14), wherein establishing the Bluetooth connection bypasses standard Bluetooth discovery processes (pg. 5, lines 8-9; pg. 20, lines 2-5).

### **VI. Grounds of Rejection to be Reviewed on Appeal**

Claims 1-12 and 48-55 are on appeal. What is being asked to be reviewed on appeal is whether Claims 1-3, 13-15 and 19-21 are properly rejected under 35 U.S.C. § 103(a) in the context of Larsson.

### **VII. Argument**

Applicant respectfully requests that the Board reverse the Examiner, as the rejections contain clear error for the reasons set forth below.

Applicant requests the Board to reverse the claim rejections because the reference set forth by the Examiner in the Final Office Action fails to predictably suggest or disclose each and every limitation of the claimed embodiments. In particular, in forming the 35 U.S.C. § 103 rejection, the Examiner relies on the disclosure of Larsson as teaching every limitation of the claimed embodiments.

Applicant respectfully disagrees for the reasons set forth below.

### Independent Claim 1

Claim 1 recites, in part:

“b) in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system; and

c) establishing a Bluetooth connection between said first and second hand-held computer systems by sending a Bluetooth page message from said second hand-held computer system to said first handheld computer system without need of a Bluetooth inquiry message, ...”

The cited reference fails to suggest or disclose the above-recited limitations of Claim 1.

Larsson teaches a telephone interface device for a vehicle that can communicate with a portable telephone using the Bluetooth protocol (col. 1, lines 44-54). More specifically, Larsson provides **four explicitly different modes** for operating the car kit system. However, none of the modes teaches the method as recited in the limitations above.

#### *Modes 1 and 4 of Larsson*

Claim 1 clearly recites that a Bluetooth connection between two handheld computer systems is established **without need for a Bluetooth inquiry message**. The first mode (Mode 1A, 1B and 1C) of Larsson fails to teach this limitation because it explicitly requires the use of an inquiry message. Mode 1 is illustrated in Figures 3 and 4 of Larsson (col. 3, lines 45-50; col. 4, lines 25-40). Figure 4, in particular, describes step 310 of Figure 3, which teaches a method where a car kit and a handheld phone discover each other (col. 3, lines 46-49). As illustrated in Figure 4 and corresponding disclosure, Mode 1 of Larsson specifically requires that the car kit **send an inquiry message periodically** (col. 3, lines 60-63; Fig. 4, item 402) and that the handset receives the inquiry after periodically scanning for the inquiries (col. 4, lines 1-3; Fig. 4, item 404). The use of an inquiry message is vital to the operation of Mode 1 of Larsson. Thus, because Mode 1 of Larsson explicitly requires a methodology that is contrary to the claimed embodiments, the disclosure of Mode 1 is inapplicable in rejecting Claim 1. Mode 1 or any combination with Mode 1 does not suggest or disclose the limitations recited above.

Similarly, Mode 4 of Larsson, described with Figures 10-12, also requires the use of inquiry messages. Mode 4 is described in Figure 10 and corresponding disclosure of Larsson,

where a drive presses a key on the handset in order to cause the handset to **transmit inquiries** (col. 5, lines 10-13; Fig. 10, item 1004). The car kit responds to the inquiries and reveals its Bluetooth address to the handset (col. 5, lines 17-19; Fig. 10, item 1006). Thus, like Mode 1 of Larsson, the operation described as Mode 4 also requires a step that is in stark contrast with the above-recited limitations of Claim 1.

Because Modes 1 and 4 of Larsson explicitly teaches a method in contrast with Claim 1, the teachings of Modes 1 and 4 fail to suggest or disclose the limitations recited above.

#### *Mode 2 of Larsson*

Larsson also teaches two additional modes of operation, Mode 2 and Mode 3, that each fails to suggest or disclose the aforementioned limitations. Although Modes 2 and 3 of Larsson do not explicitly teach the use of inquiry messages like Modes 1 and 4, the operations performed by the car kit and the handheld phone in Larsson in Modes 2 and 3 are still performed differently than what is claimed in Claim 1.

In addition to the limitations recited above, Claim 1 specifies that a Bluetooth identification of a first system is stored in a memory resident list of a second system. The aforementioned limitations then recite that the identification of the first system is accessed on the second system ***in response to a request from the first system***. In contrast to what is claimed in the claimed embodiments, Mode 2 of Larsson specifically recites that “the car unit begins paging Bluetooth devices, but only those devices that are on its list” (col. 4, lines 48-51). This unambiguously teaches that in Mode 2 of Larsson, the car kit first looks at its list in order to only page devices that are on its list. The paging then continues until a device responds to the page. This is in contrast to the claim language recited above.

For example, if the car kit of Larsson is interpreted to be equivalent to the second system (e.g., because it is the device that stores the list of Bluetooth devices), then the car kit cannot also be the second device that accesses the Bluetooth device identification ***in response to a request from a first handheld computer system to establish communication***. In Mode 2 of Larsson, it is clear that the car kit itself is the device that stores the list **and** makes the request to establish communications (e.g., pages) to other Bluetooth devices on its list. The car kit accesses its list and then begins paging devices that are on its list. Accordingly, Mode 2 of Larsson fails to teach

“accessing said device identification . . .” *in response to a request from said first hand-held computer system*, as recited by Claim 1.

Thus, like Modes 1 and 4 of Larsson, Mode 2 also fails to suggest or disclose the aforementioned limitations of Claim 1.

*Mode 3 of Larsson*

Mode 3 of Larsson also fails to predictably suggest or disclose the claim limitations recited above. Like the other modes discussed above, Mode 3 teaches a method that is in contrast to what is recited in the claimed embodiments.

In Mode 3 of Larsson, the handset stores a list of car unit identifiers (col. 5, lines 1-2). When a user presses a key on the handset, the handset pages the car kit and the car kit responds in order to establish the piconet (col. 4, lines 65-67; col. 5, lines 2-4; Fig. 8, items 802, 804, 806). Thus, like Mode 2, the device that stores the list of identifier also makes the initial request to initiate the communication. The handset does not access the device identification of the first system *in response to a request from the first system*. This is again in stark contrast from what is recited in Claim 1, where the method comprises “accessing said device identification of said first hand-held computer system on said second hand-held computer system” *in response to a request from said first hand-held computer system*. Nowhere does Mode 3 of Larsson teach that the device identification is accessed in response to a request from a first system.

Accordingly, none of the modes in Larsson suggests or discloses the aforementioned limitations of Claim 1. Each mode of operation teaches a method that is in contrast with what is claimed in Applicant’s claimed embodiments. Moreover, the specific modes of operation discussed in Larsson are completely different from each other in providing a system for operating a car kit and a handheld phone. Because each mode requires specific steps that are performed in precise orders, it would not be obvious for anyone skilled in the art to cut and paste random and different steps from different modes (e.g., take a step from Mode 1, which specifically requires the use of inquiry messages, and combine with the steps recited in Mode 2) in order to suggest or disclose the features of Claim 1. Even if the modes could be combined, the combination would still fail to suggest or disclose accessing the device identification of the first system in response to a request from the first system. For at least the reasons provided, Claim 1

is patentable over the disclosure and teachings of Larsson.

Furthermore, although the Examiner has not rejected Claim 1 in view of the other cited references (e.g., Phillips and Johansson), Applicant submits that Phillips and Johansson fails to supplement the deficiencies of Larsson. In particular, Johansson would not be applicable and cannot be combined with Larsson because Johansson requires the use of inquiry messages (see paras. [0067]-[0071]). Thus, even if Larsson could be combined with Phillips or Johansson as proposed in the Office Action, the combination would still fail to teach the aforementioned limitations of Claim 1. For all the reasons provided, Applicant respectfully requests the Board to reverse the rejections of record.

Claims 2-6 depend from Claim 1 and contain the same limitations discussed above. For similar reasons, Claims 2-6 are also patentable over the cited art.

#### Independent Claim 13

Similarly, Claim 13 recites, in part:

“b) in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system; and

c) establishing a Bluetooth connection between said first and second hand-held computer systems by sending a Bluetooth page message from said second hand-held computer system to said first hand-held computer system without need of a Bluetooth inquiry message, ...”

For at least the same reasons discussed above, Larsson fails to suggest or disclose the aforementioned limitations. Applicant respectfully requests the Board to reverse the rejections of record as Claim 13 is patentable over the cited art.

Claims 14-18 depend from Claim 13 and contain the same limitations recited above. For at least the same reasons, Claims 14-18 are also distinguishable from the cited references.

#### Independent Claim 19

Claim 19 recites, in part:

“b) in response to a request from said first hand-held computer system to establish communication among said plurality of hand-held computer

systems accessing said plurality of Bluetooth device identifications on said specific hand-held computer system; and

c) establishing a Bluetooth connection among said plurality of hand-held computer systems by sending a page message from said specific hand-held computer system to said plurality of hand-held computer systems without need of a Bluetooth inquiry message, ...”

For at least the reasons provided, Larsson fails to predictably suggest or disclose these limitations. Claim 19 is patentable over the cited art. Claims 20-24 depend from Claim 19 and contain the same limitations discussed above. For similar reasons, Claims 20-24 are also patentable over the cited references.

Applicant respectfully submits that the Examiner erred in forming the obviousness rejections, and respectfully requests the Board to reverse the rejections of record. For the reasons provided, Applicant requests that Board grant a Notice of Allowance.

### **VIII. Conclusion**

For at least the foregoing reasons, Applicant submits that pending Claims 1-6 and 13-24 are patentable over the cited art, and respectfully requests that their rejections be overturned.

If an extension of time is due in connection with this submission, Applicant hereby petitions for such extension.

Authorization is hereby given to charge deposit account 08-2025 for any fee due in connection with this submission, including any fee due in connection with the foregoing petition for extension of time.

Respectfully submitted,

MAHAMEDI PARADICE KREISMAN LLP

Date: August 22, 2011

/Zurvan Mahamed/

Zurvan Mahamed, Reg. No. 42,828  
550 South Winchester Blvd., Suite 605  
San Jose, CA 95128  
Tel. 408-551-6632

## **IX. Claims Appendix**

1. (Previously Presented) A method of establishing a Bluetooth wireless connection between hand-held computers comprising:
  - a) storing a Bluetooth device identification of a first hand-held computer system on a memory resident list of a second hand-held computer system;
  - b) in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system; and
  - c) establishing a Bluetooth connection between said first and second hand-held computer systems by sending a Bluetooth page message from said second hand-held computer system to said first handheld computer system without need of a Bluetooth inquiry message, wherein said establishing in c) bypasses standard Bluetooth discovery processes.
2. (Previously Presented) The method as described in Claim 1 wherein said device identification is automatically determined in a two-way communication between said first and said second hand-held computer systems prior to said c).
3. (Previously Presented) The method as described in Claim 1 wherein said device identification is unknown to said second hand-held computer system and is entered by a user of said second hand-held computer system.
4. (Previously Presented) The method as described in Claim 1 wherein said b) further comprises:
  - b1) accessing said device identification;
  - b2) displaying a representation of said device identification on a display of said second hand-held computer system; and
  - b3) including said device identification in said Bluetooth wireless connection.

5. (Original) The method as described in Claim 4 wherein said representation of said device identification is a Bluetooth friendly name.

6. (Original) The method as described in Claim 1 further comprising:

d) responsive to a failure of said c), beginning a Bluetooth discovery process.

7-12. (Canceled)

13. (Previously Presented) A hand-held computer system comprising:

a bus;

a Bluetooth radio coupled to said bus;

a processor coupled to said bus;

a memory coupled to said bus, wherein said memory comprises instructions that when executed implement a method of establishing a Bluetooth wireless connection between hand-held computers, said method comprising:

a) storing a Bluetooth device identification of a first hand-held computer system on a memory resident list of a second hand-held computer system;

b) in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system; and

c) establishing a Bluetooth connection between said first and second hand-held computer systems by sending a Bluetooth page message from second hand-held computer system to said first hand-held computer system without need of a Bluetooth inquiry message, wherein said establishing in c) bypasses standard Bluetooth discovery processes.

14 (Previously Presented) The hand-held computer system as described in Claim 13 wherein said device identification is automatically determined in a two-way communication between said first and said second hand-held computer systems prior to said c).

15. (Previously Presented) The hand-held computer system as described in Claim 13 wherein said device identification is unknown to said second hand-held computer system and is entered by a user of said second hand-held computer system.

16. (Previously Presented) The hand-held computer system as described in Claim 13 wherein said b) further comprises:

b1) accessing said device identification;

b2) displaying a representation of said device identification on a display of said second hand-held computer system; and

b3) selecting to include said device identification in said Bluetooth wireless connection.

17. (Previously Presented) The hand-held computer system as described in Claim 16 wherein said representation of said device identification is a Bluetooth friendly name.

18. (Previously Presented) The hand-held computer system as described in Claim 13 further comprising:

d) responsive to a failure of said c), beginning a Bluetooth discovery process.

19. (Previously Presented) A method of establishing a Bluetooth wireless connection between hand-held computers comprising:

a) storing a plurality of Bluetooth device identifications corresponding to a plurality of hand-held computer systems on a memory resident list of a specific hand-held computer system;

b) in response to a request from said first hand-held computer system to establish communication among said plurality of hand-held computer systems accessing said plurality of Bluetooth device identifications on said specific hand-held computer system; and

c) establishing a Bluetooth connection among said plurality of hand-held computer systems by sending a page message from said specific hand-held computer system to said plurality of hand-held computer systems without need of a Bluetooth inquiry message, wherein said establishing in c) bypasses standard Bluetooth discovery processes.

20. (Previously Presented) The method as described in claim 19 wherein at least one of said plurality of Bluetooth device identifications is automatically determined in two-way communications between said particular hand-held computer system and members of said plurality of hand-held computer systems prior to said c).

21. (Previously Presented) The method as described in Claim 19 wherein at least one of said plurality of Bluetooth device identifications is unknown to said second hand-held computer system and is entered by a user of said second hand-held computer system.

22. (Previously Presented) The method as described in Claim 20 wherein said b) further comprises:

- b1) accessing said plurality of device identifications;
- b2) displaying representations of said plurality of device identifications on a display of said particular hand-held computer system; and
- b3) including at least one hand-held computer system corresponding to one of said plurality of Bluetooth device identifications in said Bluetooth wireless connection..

23. (Original) The method as described in Claim 22 wherein at least one of said representations of said plurality of device identifications is a Bluetooth friendly name.

24. (Previously Presented) The method as described in Claim 20 further comprising:

- d) responsive to a failure to establish a Bluetooth connection between said specific hand-held computer system and said plurality of hand-held computer systems, automatically initiating a Bluetooth discovery process.

25-30. (Canceled)

**X. Evidence Appendix**

No evidence is submitted.

**XI. Related Proceedings Appendix**

No applicable decisions rendered by a court or the Board are pending.